

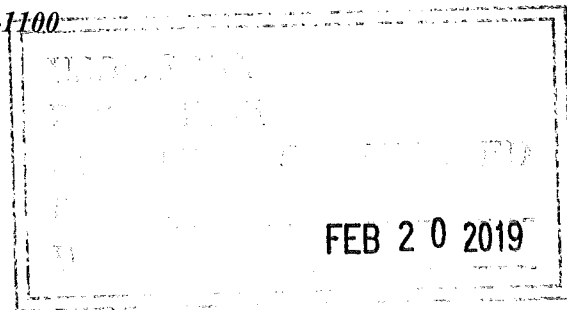
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February 19, 2019

The Honorable Judge Alison J. Nathan
United States Courthouse
500 Pearl Street
New York, NY 10007-1312



***Re: 1:18-cv-10955-AJN Plaintiff's First Letter Motion for Extension of Time within
Which to Effectuate Service on John Doe Defendant***

Dear Judge Nathan:

Pursuant to Fed. R. Civ. P. 4(m), Plaintiff, Malibu Media, LLC, move for entry of an order extending the time within which Plaintiff has to serve the John Doe Defendant with a Summons and Complaint, and states:

1. Plaintiff commenced this action against the internet subscriber assigned IP 72.227.171.249 ("Defendant") on November 23, 2018, at which time it filed a complaint alleging that Defendant copied and distributed one or more of Plaintiff's copyrighted works, all without Plaintiff's consent. *See* CM/ECF 1. Plaintiff asserted a claim for direct copyright infringement, and requested that Defendant delete and permanently remove, and be enjoined from continuing to infringe, Plaintiff's copyrighted works. *See id.*

2. On January 23, 2019, Plaintiff was granted leave to serve a third-party subpoena on Defendant's ISP, Charter Communication, Inc., to obtain the Defendant's identifying information [CM/ECF 15]. Plaintiff issued the subpoena on January 24, 2019 and expects to receive the ISP's

response on or about June 4, 2019.

3. Upon receipt of the subscriber's identifying information, Plaintiff will begin a thorough investigation to determine if the subscriber is indeed the infringer.

4. Pursuant to Fed. R. Civ. P. Rule 4(m), Plaintiff is required to effectuate service on to Defendant on February 21, 2019. Because Defendant's identify remains unknown, Plaintiff is unable to comply with the current service deadline.

5. Procedurally, Plaintiff respectfully requests that the time within which it has to effectuate service of the summons and Complaint on Defendant be extended until at least forty-five (45) days after Plaintiff's receives Defendant's identifying information from the ISP, or until July 22, 2019. The additional time will allow Plaintiff to obtain the ISP's response, complete its investigation, amend the complaint and effectuate service.

SO
ORDERED.

6. This motion is made in good faith and not for the purpose of undue delay.

7. None of the parties will be prejudiced by the granting of this extension.

WHEREFORE, Plaintiff respectfully requests that the time within which it has to effectuate service of the summons and Complaint on Defendant be extended until July 22, 2019. A proposed order is attached for the Court's convenience.

Dated: February 19, 2019

Respectfully submitted,

By: /s/ Kevin T. Conway
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SO ORDERED:

HON. ALISON J. NATHAN
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on February 19, 2019, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF and that service was perfected on all counsel of record and interested parties through this system.

By: /s/ Kevin T. Conway